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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,987	11/29/2000	Tadao Yoshida	450100-02886	1330
20999 7590 06/16/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
2623				
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06/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/725,987

**Applicant(s)**

YOSHIDA ET AL.

**Examiner**

USHA RAMAN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed March 11<sup>th</sup>, 2008 have been fully considered but they are not persuasive.

Applicant's arguments (see Remarks, page 9) stating that neither Hassel nor Ellis disclose that "the first integral listing of digital content (previously broadcast and available for immediate viewing) is segregated from the second integral listing of digital content (scheduled for recording in the future, i.e. not yet broadcast)" have been noted. Examiner respectfully disagrees as figure 5b of Hassel shows the "digital storage" listings "visibly segregated" as they do not overlap from the second integral listing wherein digital storage listings comprise the programs previously broadcast and available for immediate viewing (see [0039]-[0040]) and the listings from broadcast network channels comprise programs that can be scheduled for recording (see [0041]-[0042]) in the future. For the reasons stated above, the rejection is maintained.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. (US Pre Grant Pub. 2004/0128685) in view of Ellis et al. (US Pat. 7,185,355).

With regards to claims 26, 29, 32 and 34 Hassell discloses a receiver comprising:

Receiving means (set top box 28) for receiving broadcast digital content and attributive information (program information, see [0035]);

Selecting means (remote control 40) for selecting digital content based upon the attributive information, see [0029];

Display means (television 36) for displaying a first listing of first digital content previously broadcast (see [0037], "digital storage" row in fig. 5b) and available for immediate reproduction by the receiver [0039]-[0041], and a second listing of second digital content not yet broadcast (see [0035], program listing in fig. 5b); the first listing of recorded programs are listed in a separate row labeled "digital storage" and therefore visually distinguishable from the second listing (see fig. 5, and [0037]). Figure 5b further illustrates a combined listing comprising a first integral listing of the first listing (e.g. the row 145 displaying contents of "digital storage" or multiple rows comprising organized listing of stored programs) and a second integral listing of the second listing (i.e. listing of programming on network channels) not including the first listing (e.g. rows containing the listings from "public television" or "HBO" do not include the listings from "digital storage"). Additionally figure 5b

also shows the "digital storage" listings "visibly segregated" from the second integral listing by virtue of placing them in its own distinct row(s) 145.

Control means (control circuitry 42, see [0025]) for immediately reproducing on the receiver the first digital content selected from the first listing (see [0040]) and for automatically recording on the receiver second digital content selected from the second listing when the second digital content is broadcast (see [0041]-[0042]).

Hassell discloses the method of setting user preferences for organization and display criteria of listings, however is silent on the step of filtering attributive information on the basis of the selective information showing user's taste to select digital content that suits the user's taste and displaying only digital content selected by the filtering means.

In an analogous art, Ellis teaches the step of enabling a mode of display such that listings only matching the user profile is displayed. Accordingly Ellis comprises a filtering means for matching program guide data to profile data in order to generate a subset of listings (i.e. filtered data, see column 1, lines 60-64) suiting the user's tastes (see column 7, lines 57-64). See figure 23, step 222 and column 8, lines 35-42 and column 13, lines 28-32. By only display programs matching users preferences, the system enables viewer to easily access programs that are of interest to them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Hassell with teachings of

Ellis by matching viewer preferences characteristics to program attributes, thereby presenting programs that are most relevant to user tastes.

With further regards to claim 34, the receiver is located remotely from a television facility (see [0018])

With regards to claims 28, and 31, the first listing and the second listing are displayed at the same time, as illustrated in fig. 5b of Hassell.

With regards to claims 27, 30, 33 and 35, the system further comprises removable recordable medium means (see [0008]) configured to store address information (volume names, etc. for identifying location of media, see [0085]-[0086]) of broadcast digital content and client identification (user information stored in user fields, see [0045]).

With regards to claim 36, the modified system of Hassell in view of Ellis discloses the step of a user storing programs to another digital storage device (see Hassell: [0084]). Hassell further discloses that when a user selects a program currently not loaded in the storage device, the program guide automatically changes the storage medium for playing back the requested program (see [0089]). Hassell therefore teaches without automatically receiving and playing user media (once the storage medium is loaded) based on address information of digital content and client identification stored on the address information of digital content.

Hassell is silent on the step of providing the removable recording medium to a second receiver and automatically playing the content at the second receiver. Examiner takes Official Notice that it is well known to use

removable recording medium at a second receiver, so that contents of the recording medium maybe viewed at the second receiver. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Hassell by utilizing the removable recording medium at a jukebox of a second receiver, thereby enabling playback of stored contents at the second receiver.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Milnes et al. (US Pat. 6,118,492) discloses the well known step of visually *distinguishing* programs available for immediate viewing from programs not yet broadcast (see column 3, lines 47-60).
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

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